

AMENDED IN ASSEMBLY MAY 11, 2011

AMENDED IN ASSEMBLY APRIL 27, 2011

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 203

Introduced by Assembly Member Brownley

January 27, 2011

An act to amend ~~Sections 53300 and 53301~~ *Section 53300* of, and to add Sections 53304 and 53305 to, the Education Code, relating to school intervention.

LEGISLATIVE COUNSEL'S DIGEST

AB 203, as amended, Brownley. Public schools: parent empowerment: school intervention.

Existing law requires a local educational agency to implement one of several specified interventions for a school not identified as a persistently lowest-achieving school that, after one full school year, fails to meet specified criteria and has a specified percentage of parents and legal guardians of pupils sign a petition requesting the local educational agency to implement at least one of 5 specified interventions. Existing law requires a local educational agency to implement the intervention option requested by the petition unless the agency makes a specified finding in a regularly scheduled public hearing.

This bill would ~~also~~ require interventions to be implemented *also* for a school that is identified as persistently lowest-achieving but does not receive specified school improvement grant funding. The bill would require a governing board of a local ~~education~~ *educational* agency to

allow parents and legal guardians ~~who have objections to the intervention option requested by the petition the opportunity to provide public testimony regarding the reasons for their objections, consideration of which would be required to be included in the governing board's final disposition~~ *at the regularly scheduled public hearing*. To the extent these provisions would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

The bill would prohibit more than one parent or legal guardian *per pupil* from signing a petition and would require any written information provided to parents or legal guardians pursuant to these provisions to meet specified language requirements. The bill would require the State Department of Education to provide specified information on its Internet Web site, in easy to understand terms, regarding the petition process, the 5 intervention options that parents and legal guardians may request, and a sample petition that meets specified requirements. The bill *also* would ~~also~~ make clarifying changes to, and provide definitions for, those intervention petition provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53300 of the Education Code is amended
2 to read:
3 53300. (a) (1) For any school that is not identified as a
4 persistently lowest-achieving school, or is identified as a
5 persistently lowest-achieving school but does not receive funding
6 under the federal School Improvement Grant Program pursuant to
7 Section 6303 of Title 20 of the United States Code, that, after one
8 full school year of corrective action pursuant to paragraph (7) of
9 Section 1116(b) of the federal Elementary and Secondary
10 Education Act (20 U.S.C. Sec. 6301 et seq.), continues to fail to
11 make adequate yearly progress, and has an Academic Performance

Index score of less than 800, and where at least one-half of the parents or legal guardians of pupils attending the school, or a combination of at least one-half of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement one or more of the four interventions identified pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) of Section 53202 or the federally mandated alternative governance arrangement pursuant to Section 1116(b)(8)(B)(v) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), the local educational agency shall implement the option requested by the parents and legal guardians unless, in a regularly scheduled public hearing, the local educational agency makes a finding in writing stating the reason it cannot implement the specific recommended option and instead designates in writing which of the other options described in this section it will implement in the subsequent school year consistent with requirements specified in federal regulations and guidelines for schools subject to restructuring under Section 1116(b)(8) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) and regulations and guidelines for the four interventions identified pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) of Section 53202.

(2) At the regularly scheduled public hearing required pursuant to paragraph (1), the governing board of a local educational agency shall allow parents and legal guardians to provide testimony regarding the petition or the written findings.

(b) For purposes of this article, both of the following requirements shall apply:

(1) No more than one parent or legal guardian per pupil may sign a petition.

(2) Any written information provided to parents or legal guardians, including a petition, shall meet the language requirements of Section 48985.

~~SEC. 2. Section 53301 of the Education Code is amended to read:~~

~~53301. (a) The local educational agency shall notify the Superintendent and the state board upon receipt of a petition under Section 53300 and upon its final disposition of that petition.~~

~~(b) If the local educational agency indicates in writing that it will implement in the upcoming school year a different alternative governance arrangement than requested by the parents, the local educational agency shall notify the Superintendent and the state board that the alternative governance option selected has substantial promise of enabling the school to make adequate yearly progress as defined in the federally mandated state plan under Section 1111(b)(2) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).~~

~~(c) In a regularly scheduled public hearing where the governing board of a local educational agency determines whether to implement the option requested by the petition, or implement another option, the governing board shall allow parents and legal guardians who have objections to the option requested in the petition the opportunity to provide public testimony regarding the reasons for their objections. The governing board shall include consideration of those objections in the final disposition submitted to the Superintendent and the state board.~~

~~SEC. 3.~~

SEC. 2. Section 53304 is added to the Education Code, to read:
53304. The department shall provide all of the following, in easy to understand terms, on its Internet Web site:

(a) Information regarding the petition process authorized pursuant to this article and the five intervention options referenced in Section 53300 that parents and legal guardians may request.

(b) A sample petition that can be used by interested petitioners. The sample petition shall be available in other languages pursuant to Section 48985. Petitioners shall not be required to use the sample petition, but alternate petitions shall contain all components required by law.

~~SEC. 4.~~

SEC. 3. Section 53305 is added to the Education Code, to read:
53305. For purposes of this article, the following terms have the following meanings:

(a) “Parents or legal guardians” means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for the pupil pursuant to Section 56028 or 56055, or Section 361 or 727 of the Welfare and Institutions Code, including, but not limited to, foster parents who hold rights to make educational decisions on the date the petition is submitted.

(b) “A combination of at least one-half of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable” means one-half of the total number of parents and legal guardians of pupils who attend ~~the school or an elementary or middle school that normally matriculates into a middle or high school, as applicable.~~ *any of the following:*

(1) *The school for which the petition is submitted.*

(2) *An elementary or middle school that normally matriculates into the middle or high school for which a petition is submitted, as applicable.*

~~SEC. 5.~~

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.